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IN THE HIGH COURT OF JUDICATURE AT BOMBAY@@
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CRIMINAL APPELLATE JURISDICTION@@
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CRIMINAL WRIT PETITION NO. 1500 OF 2004@@
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decide what is the meaning of that status-quo and if there is breach what action ought to be taken.

3. It appears that the respondent No.1 made a complaint to the Officers of the concerned police station. Ms. Kantharia has shown us a copy of the complaint dated 28.6.2004 which alleges a threat by the husband of the petitioner and also prays that the access of his field be cleared. Ms. Kantharia has also drawn our attention to the statement of the husband of the petitioner and that of one Prabhakar Tukaram Tamhane, relative of respondent No.1. In the statement of petitioner's husband it is recorded that now that the access is opened he will approach the Civil Court for getting an appropriate decision. In the statement of Prabhakar Tamhane it is recorded that now the access has been opened, there is no reason for him to pursue his complaint. It is material to note that in paragraph 4 of this petition it has been contended by the petitioner that her husband was threatened and beaten up by the officers of the concerned police station, terrorized and then they have forcibly taken a written permission from him. Ms. Kantharia has drawn our attention to an endorsement made on that statement by a person known to the petitioner and has, therefore, submitted that there is no substance in the allegations of threats and the statement being taken under duress. We have also been informed by Mr. Reddy the learned counsel for the petitioner that the notices have been issued to the husband of the petitioner under sections 149 & 160 of Cr.P.C. by the officer of concerned police station.

4. As seen from what is narrated above, it is essentially a civil dispute between the parties. We quite see the agony expressed by Mr. Reddy and his submission in respect of threats to the husband of the petitioner and forcibly obtaining written authority/permission from him that he is willing to open the access through his property. In our view it will be proper for the petitioner to approach the Civil Court and get his dispute redressed in the civil proceeding. We clarify that the statement obtained from the petitioner's husband on 6.7.2004 by the police will not be used as such before the Civil Court to arrive at a conclusion one way or the other. The civil Court will decide the Suit on merits and on the submissions to be made by the parties before the Civil Court.

5. Mr. Reddy, the learned counsel for the petitioner as well as Mr. Dalvi, the learned counsel for respondent No.1 both assured us that both the parties will maintain peace and will resolve their dispute in the civil Court only. In view of this statement made by both the counsel, there is no need for the concerned Police to proceed with the two notices which have been issued under Sections 149 and 160 of Cr.P.C. to the husband of the petitioner. Both the notices will

stand dropped. With the observations made hereinabove, this petition will stand disposed of.